

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: EMERALD PARK ESTATES INFILL SUBDIVISION

Case Number: PLD2006-00051; SEP2006-00104; FOR2006-00045;
EVR2006-00048

Hearing Examiner: Daniel Kearns

Location: 10917 NW 21st Avenue

Request: Subdivide approximately 2.5 acres into 10 single-family residential
lots pursuant to Tier II infill standards in the R1-7.5 Zoning District

Applicant/Owner: Emerald Park Estates, LLC
Attn: Matt Wiard
PO Box 821624
Vancouver, WA 98682
Phone - (360) 772-0088

Contact: Group Mackenzie
Attn: Todd Johnson
801 Washington Street, Suite B
PO Box 61549
Vancouver, WA 98666
Phone - (360) 695-7879, **Fax** - (360) 693-6637
E-mail – tjohnson@grpmack.com

RECOMMENDATION

APPROVAL, subject to conditions

Team Leader's Initials: _____ **Date Issued:** July 19, 2006

Public Hearing Date: August 3, 2006

County Review Staff:

	<u>Name</u>	<u>Phone Ext</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
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Engineer: (Trans. Concurrency)	Richard Gamble, P.E.	4384	richard.gamble@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Eng. Supervisor:	Sue Stepan, P.E.	4064	sue.stepan@clark.wa.gov

Comp Plan Designation: Urban Low Density

Zoning: R1-7.5

Legal Description: Tax Lots 94 (188973) located in the NE quarter of Section 33, Township 3 North, Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapters: 15.12 (Fire); 40.220.010 (R1-7.5 District); 40.260.110 (Infill Densities); 40.350.020 (Transportation Concurrence); 40.350.030 (Roads); 40.370.010 (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 40.5 (Procedures); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.6 (Impact Fees); and RCW 58.17 (State Platting)

Neighborhood Association:

Felida Neighborhood Association, **Contact** – Milada Allen, PO Box 61552, Vancouver, WA 98666, **Phone** - (360) 573-4030, **E-mail** - gaudeamus@earthlink.net

Time Limits:

The application was submitted on May 2, 2006 and determined to be fully complete on May 23, 2006. Therefore, the County Code requirement for issuing a decision within 92 days lapses on August 23, 2006. The State requirement for issuing a decision within 120 calendar days lapses on September 20, 2006

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

The pre-application was contingently vested and a fully complete application was filed within 180 calendar days from the issuance of the PAC report. Therefore, the application is vested on the pre-application submittal date of December 2, 2005.

Public Notice:

Several methods of community outreach were utilized in processing this application. Notice of application and public hearing was mailed to the applicant, neighborhood association contact, and property owners within 300 feet of the site on June 6, 2006. One sign was posted on the subject property and two within the vicinity on July 12, 2006. Notice of the Likely SEPA Determination and public hearing was published in the "Columbian" Newspaper on June 6, 2006. A public hearing will be held on August 3, 2006 which will offer the public further opportunity to comment on the proposed development.

Public Comments:

The County has not received written comments to date regarding the proposal.

Project Description/Background

The applicant proposes to divide the subject site into 10 single-family residential lots pursuant to Tier II infill standards. The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-7.5	Single-family residential
North	UL	R1-7.5	Single-family residential
South	UL	R1-7.5	Single-family residential
East	UL	R1-7.5	Single-family residential
West	UL	R1-7.5	Single-family residential

Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Lot Standards

The applicant is proposing to divide approximately 2.5 acres into 10 residential lots within the R1-7.5 Zoning District pursuant to Tier II infill standards. Density is based on gross site area minus all public right-of-way dedication. The allowed maximum density for Tier II infill plats (for R1-7.5) is 7.3 units per acre (reference CCC Table 40.260.110-2). The applicant has indicated that .87 of an acre will be dedicated for public right-of-way, leaving a net site area of 1.63 acres. Based on a 1.63 acre site, the proposal will develop at 6.1 units per acre which is within the required density range.

Pursuant to CCC Table 40.260.110-2 an average minimum lot size of 6,000 square feet is required. The plat complies with this requirement because all ten lots proposed are over 6,000 square feet.

Finding 2 – Infill Standards

Tier II infill standards require the applicant to hold a public meeting to offer owners of property adjacent to the affected property an opportunity to participate in the development process pursuant to CCC 40.260.110 I1. On April 26, 2006 a public meeting was held. The applicant submitted a copy of the notice, the mailing list, meeting summary, and the sign-in sheet from the meeting, but did not submit the proposed development plan as presented at the meeting. On July 17, 2006, the applicant submitted a copy of the proposed development plan as presented at the meeting with corresponding e-mail (see Exhibit 15). Staff finds this complies with the public meeting requirements.

Finding 3 – Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed plat:

- Eighteen foot setback for garages entrances (or other similar vehicular shelter)
- Ten foot front setback for other buildings
- Ten foot street side setback
- Ten foot rear infill setback for all lots
- Five foot side setback

A note on the plat is warranted that identifies setback requirements (see Plat Note C-7e).

Finding 4 – Existing Structures

There is an existing residence with accessory structures on the subject site. The applicant has indicated that all structures will be removed. All structures within the subject site should be removed according to all relevant standards prior to final plat approval. (See Condition C-1)

Finding 5 – Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Plat Note C-7a).

Finding 6 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community if the safe walking condition issue is resolved. Connection of the proposed residences to public water and sewer, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

Staff has a question regarding safe walking conditions for students and students from the proposed subdivision may walk to Lakeshore Elementary and Jefferson Middle Schools. The applicant needs to identify if students will walk or be bussed to Lakeshore Elementary and Jefferson Middle Schools. If they are to walk, demonstration of safe walking conditions to the schools will be required prior to or at the public hearing.

TRANSPORTATION CONCURRENCY:

Finding 7 – Trip generation

County concurrency staff has reviewed the proposed subdivision consisting of 10 single-family residences, including one existing.

The Institute of Transportation Engineers Trip Generation Manual estimates 9 new PM peak hour trips for the proposed project. Due to the relatively small trip impact, a traffic study is not required and the submitted traffic profile is adequate. Staff has determined that the additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards.

TRANSPORTATION

Finding 8 - Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The development plans propose sidewalk along the frontage roads and the proposed onsite road. Bike lanes are not required for local access roads. The required improvements along NE 110th Street, the proposed on-site road and for NE 21st Avenue abutting the west boundary will provide for pedestrian circulation along these roads. Based upon this information, staff finds that the proposed pedestrian/bicycle circulation complies with Section CCC 40.350.010.

Finding 9 - Circulation Plan

In compliance with Section CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed subdivision and allow future developments to meet the cross circulation standards. North-south circulation was evaluated by the applicant and was not proposed due to the existing developments both north and south of this site. The existing developments do not provide road stubs to continue any circulation that would be provided by the proposed development. The project proposes an on-site, east-west orientated road, NW 110 Street, that will terminate in a cul-de-sac (temporary turnaround) near the easterly boundary of this development. The proposed preliminary plat shows additional right-of-way adjacent to the east property boundary such that this road may be extended to the south to serve property located southeast of this project if that property should re-develop. Based

upon this information, staff finds that the proposed circulation complies with Section CCC 40.350.030(B)(2).

Finding 10 - Roads

On-site Road - NW 110th Street, the proposed on-site road, is classified as an urban cul-de-sac roadway. This roadway, as shown on the preliminary stormwater & erosion control plan exceeds the required right-of-way width and meets the required pavement and sidewalk width as shown on Clark County's standard drawing #15. Sidewalk is being proposed only on the south side of this road. Please see Road Modification, Finding 6. The applicant is proposing to install landscaping inside the increased parkway strip area along the north side of this road. (See Condition A-1a)

Frontage Road - NW 21st is classified as a 2-lane urban collector road with parking on both sides (C-2). This roadway, as shown on the preliminary stormwater & erosion control plan meets the required pavement, planter strip, and sidewalk widths as shown on Clark County's standard drawing #12.

Finding 11 - Access

The intersection spacing between the proposed NE 110th Street and the existing NW 111th Street does not meet Clark County's required minimum distance of 275 feet. Please see Road Modification, Finding 6.

No direct access is allowed onto NW 21st Avenue (see Plat Note C-7d).

Finding 12 - Road Modifications

The applicant has submitted a road modification to allow a reduction in the minimum intersection spacing and to eliminate the sidewalk on one side of the proposed on-site public street.

Approval Criteria: If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Modification Request #1 (Admin.): The applicant is requesting a modification to the intersection access spacing requirement of Table 40.350.030-2 which requires 275 feet of minimum full access intersection spacing. As shown on the plan included in this application, compliance with the spacing requirement cannot be achieved at any point

along the site frontage from NW 110th Street to NW 111th Street. No other opportunity for access to the site was provided when the neighboring lots were developed.

Staffs Evaluation: Staff concurs with the applicant that given the fact that no other opportunity for access to this site was provided when the neighboring lots were developed that the proposed on-site road location, and thus, the reduced intersection spacing, should be approved subject to the condition that the applicant provide acceptable site distance documentation from a civil engineer licensed in the state of Washington. (See Condition A-1b)

Modification Request #2 (Design): The applicant is requesting that the sidewalks be deleted from the north side of the proposed on-site roadway. Drawing 15 of the Clark County standard details shows either attached or detached sidewalks on both sides of the roadway, however in this case, no lots will be proposed on the north side of the street and the existing lots to the north already front on NW 110th Street. The sidewalk on the north side of the proposed internal roadway would not serve any pedestrian circulation need. The neighboring property owners to the north support deletion of the sidewalk and the increase in the landscape strip along this side. In addition to deleting the sidewalk, the applicant is proposing 2 feet of additional right-of-way beyond the required 46 feet. Because this project is denied the opportunity to meet the intersection spacing at any location on NW 21st Avenue, was not provided a stub roadway to any other roadway, and proposes an access in a location which maximizes sight distance to the south, the applicant requests that the proposed modification be granted under the above specific criteria (a) or (c).

Staffs Evaluation: Staff concurs with the applicant that construction of a sidewalk on the north side of the proposed on-site public road would serve no purpose for pedestrian circulation. All the proposed lots will be located on the south side of this proposed road. In addition the applicant proposes an additional 2 feet of right-of-way which will be used for an additional landscape buffer between this proposed on-site road and the neighbors to the north. In an effort to accommodate the neighbor's requests, and also eliminate a useless sidewalk, the applicant requests the proposed modification to delete the sidewalks under the above specific criteria (a) or (c).

Recommendations: Based upon the above findings, Request #1 to reduce the minimum intersection spacing meets the criteria described in subsection CCC 40.550.010(A)(1)(a), therefore, staff recommends **Approval** of this modification request subject to the condition stated below. Request #2 for modification to eliminate sidewalk along the north side of the proposed on-site roadway meets criterion described in subsection CCC 40.550.010(A)(1)(a), therefore, staff recommends **Approval** of this modification request. (See Exhibit 14)

Conclusions (Transportation)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation ordinance with conditions.

STORMWATER:

Finding 13 - Approval Criteria

The Stormwater and Erosion Control Ordinance CCC 40.380 applies to development activities that result in 5,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 5,000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 14 - Stormwater Proposal

The project's preliminary stormwater report proposes to achieve the required stormwater within the proposed bio-swale located near the southeast project boundaries. The proposed water quality facility will be designed to treat 70% of the 2-year, 24-hour storms, as required. (See Condition A-3a)

The report indicates that the stormwater quantity control will be achieved by an above ground detention pond also located near the southeast project boundaries. Detained and treated stormwater runoff will be released into an existing public conveyance system located in NW 21st Avenue. The project, as required, proposes to limit the runoff release rate at peak rates equal to one-half of the pre-developed 2-year, 24-hour storm peak runoff rate; and not exceeding 10-year and 100-year pre-developed runoff rates. The proposed stormwater mitigation system and conveyance system shall be publicly owned and publicly maintained. (See Condition A-3b)

The stormwater mitigation facility shall be located outside of the public right-of-way and inside a tract dedicated to the Clark County. (See Condition A-3c)

Finding 15 – Site Conditions and Stormwater Issues

The property is 2.5 acres in area with slopes of 0-5% over 56% of the parcel and 5-10% over 44% of the parcel. The property has an existing house and several associated outbuildings with a large, grassy, yard and wooded area extending to the east. All existing structures are to be removed as part of this development. The preliminary stormwater report indicates that the proposed total area of new impervious surface consisting of roofs, driveways, and streets will be approximately 1.43 acres.

The National Resources conservation service (NRCS) mapping shows the site to be underlain by Hillsboro soil (HoB), classified by AASHTO as A-4 soils. These soils are designated as hydrologic group "B". CCC 40.380 does not list A-4 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration is not proposed.

The project proposes to discharge the detained stormwater runoff into a public stormwater conveyance system located in NW 21st Avenue. In accordance with the

provisions of Section CCC 40.380.040(B)(2), all development activities required to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development. (See Condition A-3d)

The proposed on-site stormwater conveyance system is shown on the preliminary stormwater & erosion control plan with a slope of 0.0020'/ft. The stormwater velocity when the pipes are flowing full shall equal to, or greater than, 3 feet/second. (See Condition A-3e)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the county's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions.

FIRE PROTECTION:

Finding 16

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 6):

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition D-1)
- b. Fire flow in the amount of 1,000 gallons per minute (gpm) supplied for 60 minute duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 1,500 gpm. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Condition C-2)
- c. Fire hydrants are required for this application and either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. The existing hydrant does not provide coverage to all lots - one additional hydrant is required. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. (See Condition C-2)
- d. The roadways and maneuvering areas as indicated in the application should meet the requirements of the Clark County Road Standards. The applicant should provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. The indicated provisions for turning around fire apparatus meet the requirements of the road standards. (See Condition C-3).

HEALTH DEPARTMENT:

Finding 17

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition C-4)

UTILITIES:

Finding 18

The applicant has submitted utility reviews from Clark Public Utilities and the Clark Regional Wastewater District indicating that public sewer and water are available to the subject site. All lots in the proposed plat must connect to approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (See Condition C-5)

IMPACT FEES:

Finding 19

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. The site is within the Vancouver School District with a SIF of \$1,725.00, Park District 9 with a PIF of \$1,576.00 (acquisition) & 440.00 (Development), and the Hazel Dell Transportation Subarea with a TIF of \$1,423.54.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition C-6.d & D-2)

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on June 6, 2006 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$178**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-

significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Richard Daviau, (360) 397-2375, ext. 4895

Responsible Official: Michael V. Butts
Department of Community Development

RECOMMENDATION

Based upon the findings and conclusions stated above, staff recommends that the Hearing Examiner **APPROVE** this request with the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A	Final Construction Review Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval to Development Engineering, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 **Final Transportation Plan (On-Site & Frontage)** - The applicant shall submit and obtain County approval of a final transportation design in conformance with CCC 40.350 and the following conditions of approval:
- a. The applicant is proposing additional right-of-way along the north side of NW 110th Street and also eliminating sidewalk along this same north side of the road through an approved Road Modification. The applicant shall provide additional landscaping in the increased planter strip. (See Finding 10)
 - b. The applicant shall provide acceptable site distance documentation from a civil engineer licensed in the state of Washington. (See Finding 12)
- A-2 **Transportation (Concurrency):**
- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
 - b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- A-3 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:
- a. The proposed stormwater quality mitigation facility shall be designed to treat 70% of the 2-year, 24-hour storms, as required (see Finding 14).
 - b. The proposed stormwater mitigation facilities and conveyance system shall be publicly owned and publicly maintained. (see Finding 14).
 - c. The applicant shall place the stormwater mitigation facilities outside the public right-of-way and within a tract dedicated to Clark County (see Finding 14)
 - d. This project shall be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development (see Finding 15).
 - e. The stormwater velocity when the pipes are flowing full shall be equal to, or greater than, 3 feet/second (see Finding 15).

- A-4 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- A-5 **Excavation and Grading** - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 **Erosion Control** - Erosion control facilities shall **not** be removed without County approval.

C	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording by Development Engineering, the following conditions shall be met:

- C-1 All structures within the subject site shall be removed according to all relevant standards prior to final plat approval (see Finding 4).
- C-2 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational. Fire hydrants are required for this application and either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. The existing hydrant does not provide coverage to all lots - one additional hydrant is required. Required hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Finding 16 b and c)
- C-3 The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. The indicated provisions for turning around fire apparatus meet the requirements of the road standards. (See Finding 16d)

- C-4 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.
- C-5 All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- C-6 **Developer Covenant** – A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
- a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
 - c. Archaeological (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
 - d. Impact Fees: "In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$1,725.00 (Vancouver School District), \$2,016.00 (\$1,576.00 - Acquisition; \$440.00 - Development for Park District #9), and \$1,423.54 (Hazel Dell TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."
- C-7 **Plat Notes** - The following notes shall be placed on the final plat:
- a. Mobile Homes: "Mobile homes are not permitted on any lots of the proposed subdivision."

- b. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages. Sidewalks are attached except along the frontage of (insert street name) which is detached."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350. No direct access is allowed onto NW 21st Avenue."
- e. Setbacks: "The following setbacks apply to the proposed plat:
 - Eighteen foot setback for garage entrances (or other similar vehicular shelter)
 - Ten foot front setback for other buildings
 - Ten foot street side setback
 - Ten foot rear infill setback for all lots
 - Five foot side setback

D	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- D-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- D-2 **Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
 - a. \$1,725.00 per dwelling for School Impact Fees (Vancouver School Dist.)
 - b. \$2,016.00 per dwelling for Park Impact Fees (\$1,576.00 – Acquisition; \$440.00 – Development for Park District #9);
 - c. \$1,423.54 per dwelling for Traffic Impact Fees (Hazel Dell TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

E	Occupancy Permits Review & Approval Authority: Customer Service
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- E-1 **Engineering Requirements** - Prior to the issuance of an approval of occupancy for a site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

F	Development Review Timelines Review & Approval Authority: None Advisory to Applicant-
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- F-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$266** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Proposed Plot Plan
- Site Vicinity Map
- Zoning Map
- List of Exhibits Received to Date

A copy of the preliminary plan, SEPA Checklist and Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:

<http://www.co.clark.wa.gov>